

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3960 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and
MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

WELDING RODS PRIVATE LIMITED COMPANY

Versus

UNION OF INDIA

Appearance:

MR PARESH M DAVE for Petitioners

MR.H.M.MEHTA, Sr. Counsel with MR KETAN A DAVE for
Respondents

CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE S.M.SONI

Date of decision: 01/07/96

ORAL JUDGEMENT (B.C.Patel J.)

Rule. Mr.Ketan Dave waives service of rule on behalf of respondents.

Heard Mr.Paresh Dave for the petitioners and

Mr.H.M. Mehta, Senior Counsel, for the respondents.

In the instant case, appeals are preferred before the Commissioner of Central Excise (Appeals), Ahmedabad at Bombay against the orders passed by the Assistant Collector of Central Excise, Div.No.1, Surat on 21.4.95 and 31.8.95. Along with the appeals, petitioners have preferred applications for stay and the same are not disposed of by the Commissioner of Central Excise (Appeals). The grievance of the petitioners is that without deciding the applications for stay, the Department is likely to take coercive action. The petitioners pray that coercive action should not be taken before the said applications are disposed of, being stay applications nos.177/SRT/95 and 375/SRT/95.

Under the circumstances, the Commissioner of Central Excise (Appeals), Ahmedabad at Bombay is directed to dispose of the stay applications preferably within a period of six weeks from the receipt of the writ of this court and in the meanwhile no coercive action shall be taken.

In view of this direction, no further order is required to be passed in this matter. Rule is made absolute accordingly with no order as to costs.
